

REMARKS**I. STATUS OF THE CLAIMS**

The August 14, 2006 Office Action noted that claims 1-35 were pending in the application, rejected claims 1-35 and indicated that claims 36-38 were withdrawn from consideration. As indicated in the listing of the claims in the June 14, 2006 Amendment, the intent was to cancel claims 36-38. As the August 14, 2006 Office Action did not reflect cancellation of claims 36-38, explicit cancellation of claims 36-38 is included herein. Thus, claims 1-35 are pending in the application. All rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

II. Prior Art Rejection

Item 7 of the Office Action rejected claims 1-6, 8-12, 14, 15, 17-23, 25-29, 31, 32, 34 and 35 under 35 U.S.C. § 103(a) as being unpatentable over Chung et al. (U.S. Patent 6,105,148), Prust (U.S. Patent 6,714,968) and Subramanian et al. (U.S. Patent 6,574,631).

Claim 1, as previously submitted, recited a file system that included "a file managing unit ... correlating the file managed in said data area and said user defined process held in said defined process holding unit" (claim 1 as previously presented, lines 7-10). Item 9 of the Office Action cited column 5, lines 2-3 and 16-20 of Prust as rendering "correlating the file managed in said data area" obvious. Moreover, item 8 of the Office Action cited column 5, lines 32-34, and column 15, lines 10-12 of Chung et al. as rendering "said user defined process held in said defined process holding unit" obvious.

The cited portions of Prust disclosed a "metadata database stor[ing] metadata associated with the data files by the user" at column 5, lines 2-3, and access to a virtual storage area via standard file management routines at column 5, lines 16-20. Chung et al. taught users accessing files, at column 5, lines 32-34, and an exception condition defined by a user application process. Both Prust and Chung et al. disclose features that are commonplace within operating systems, namely file access via standard routines and user defined exception conditions. Nothing has been cited or found in either Prust or Chung et al. that suggests "correlating the file managed in said data area" as recited in claim 1. Therefore, it is submitted that claim 1 patentably distinguishes over the prior art. Likewise, claims 2-17 depend from claim 1 and patentably distinguish over the prior art for the reasons discussed above.

Previously presented claim 18 recited a method that included “a file managing step ... correlating the file managed in said data area and said user defined process held in said defined process holding unit” at lines 7-10. As currently amended, this limitation is clarified by reciting “a file managing step which manages said file, said file including a data area and a meta data area, said meta data area providing an extended meta data area to store extended meta data correlating said file and said user defined process held in said user defined process holding unit” at lines 7-10. It is submitted that claim 18 patentably distinguishes over the prior art for reasons similar to those discussed above with regard to claim 1. Claims 19-34 depend from claim 18 and thus, patentably distinguish over the prior art for the reasons discussed above for claim 1.

Claim 35 is directed to a computer-readable storable medium that includes a file managing step that as currently amended is worded the same as in claim 18. Therefore, it is submitted that claim 35 patentably distinguishes over the prior art for the reasons discussed above with respect to claim 18.

Furthermore, according to MPEP § 2141(II), a proper 35 U.S.C. § 103 rejection requires the references be viewed without the benefit of what was taught by the application’s disclosure or claims. Otherwise, the combination of references would benefit from impermissible hindsight. To avoid the benefit of impermissible hindsight, a *prima facie* showing of obviousness requires a suggestion or motivation to modify or combine the references. The mere fact that references *can* be combined is insufficient to show a motivation that they *would* be combined by one skilled in the art. For example, the Federal Circuit in *W.L. Gore v. Garlock, Inc.* has held that

the claims were used as a frame, and individual, naked parts of separate prior art references were employed as a mosaic to recreate a facsimile of the claimed invention. ... [There was no explanation of] why that mosaic would have been obvious to one skilled in the art in 1969, or what there was in the prior art that would have caused those skilled in the art to disregard the teachings there found against making just such a mosaic

Gore, 220 USPQ 303, 312 (1983).

It is submitted that the August 14, 2006 Office Action used the language of claims 1, 18 and 35 as a frame to create a mosaic of the individual references used in the section 103 rejection, and thus, benefited from impermissible hindsight.

III. Entry of Amendment

In the present response, claims 1, 18, and 35 have been amended to clarify the previously recited limitations. It is submitted that the amendments presented herein do not significantly change the scope of the claims as previously presented and thus, a new search is not required. Therefore, entry of the present amendments is respectfully requested.

IV. Summary

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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